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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/572,930	03/22/2006	Robert Linley Muir	17499US01	4948		
7590	11/16/2010		EXAMINER			
McAndrews Held & Malloy 500 West Madison 34th Floor Chicago, IL 60661				AHMED, MASUD		
ART UNIT		PAPER NUMBER				
3717						
MAIL DATE		DELIVERY MODE				
11/16/2010		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/572,930	MUIR, ROBERT LINLEY	
	<b>Examiner</b>	<b>Art Unit</b>	
	MASUD AHMED	3717	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 September 2010.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 and 54-57 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-25 and 54-57 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Allowable Subject Matter***

1. The indicated allowability of claims 1-25, 54-57 is withdrawn in view of the newly discovered reference. Rejections based on the newly cited reference follow.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-25, 54-57 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**3. Claims 1-9, 13-25 and 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al (2003/0078101), in view of Brosnan (WO 01/99067), further in view of Wolfe et al (US 2004/0002386).**

**Regarding claims 1, 13, 18** Schneider teaches a network game system having following limitations:

A gaming system comprising a gaming server, a plurality of gaming machines, and a communications system connecting each of the plurality of gaming machines to the gaming server (para 0016),

the gaming machines each having a display a player interface, and a game controller arranged to control images displayed on the respective display, the gaming system operable to track play of games played by a plurality of players on the gaming machines and the game controller being arranged to play a game initiated by the a player at a said gaming machine (FIG 2 and para 0017),

the game being one of a plurality of games available on the gaming machine and selectable by the player and the game having a game result which, if it is a winning result, will cause the game controller to award a prize to the player, wherein each said gaming machine includes a game selector, which displays a selection of games available on that gaming machine for the player to play (para 0056),

the selection being determined dependent on the player's past history of playing games and a history of games played by other players (para 0038 and 0056). However

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Schneider is silent on disclosing the game selection is based on the history of games played by others, multiple games screen option on a game machine is well known in the art and as evidenced by the disclosure of Brosnan page 4 lines 28-31, Brosnan further provides player with the list of games to choose from (page 6, lines 21-30), this game list is stored on the server, Schneider discloses these games can be selected by the players previous playing history and preferences; both Schneider and Brosnan teach providing player with the preferences on their game, in other words, provide player with the kind of game or the kind preferences they want in a game based on their preferences or play history, However they are silent on providing player game preferences based on the other player's preferences or another word rating of the game;

Wolfe teaches a casino information management system where a player's playing history is stored for the purpose of providing players with the kind of preferences they want and further more player can actually see the rating of a playing table before they choose to play that particular table (para 0141-0146), rating a table for the game perspective is similar to rating a game, for example if a player liked the game and how it paid out , they may rate the game as a good game,

Schneider, Brosnan and Wolfe are all analogous art and they all teach player tracking or the player game play history tracking to provide players with the best preferences of game play they desire, Therefore it would have been obvious to ordinary skilled artisan at the time of invention to modify Schneider by Brosnan to incorporate list of game play option and by Wolfe to provide those game play lists with ratings by other players so

that a player would have the best rated or the most popular games to make their selection from.

**Regarding claims 2-3, 14, 19,** Schneider discloses the central database records players game playing history of every game played along with other possible interaction with the game playing machines are recorded on the database (para 0027, 0032).

**Regarding claims 4-5, 15, 20,** As cited and rationale provided by the examiner on claim 1, all the patrons game play history is recorded in a central database and can be identified by patron's identification, therefore as disclosed on para 0027 and 0032, every games played in the machine or in the system are captured or recorded to provide the players are with particular types of games they like to play or simply provide the players with popular games played by others.

**Regarding claims 6-7, 21-22,** Schneider disclosed the games are tailored or provided upon collecting player's game history data by a recommendation engine in the system (para 0038), further examiner believes a recommendation engine being on the gaming machine itself or within the gaming network is an obvious design choice and this feature is not patentably distinct from one another.

**Regarding claims 8-9,** Schneider discloses recommendation engine connected in a network that collects data from every player plying habits along with others statistical information (para 0038-0042), based on these information players are provided with the customized games or tailored games to suit their needs

**4. Claims 10-12, 16-17, 23-25, 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al (US 2003/0078101), in view of Brosnan, in view of Wolfe, further in view of Paulsen (US 2002/0142846).**

**Regarding claims 10-12, 16-17, 23-25,** As disclosed by Schneider on the above claims that various player's information is captured or recorded to tailor the games accordingly when players are identified, though it can be conclude from Schneider's disclosure that the popular games are recommended based on the players historical data, however examiner believes to establish the obviousness showing to the applicant, applicant is entitled to receive an evidence for the obviousness allegation, therefore examiner draws applicant attention to the Paulsen (para 0011-0017), wherein Paulsen discloses various aspects of the invention including customizing games and providing popular or preferred games to the players based on the previously collected players data and selections of the games among various groups of games, therefore it would have been obvious to ordinary skilled artisan at the time of invention to use Schneider's

players historical data information to provide players with the popular games that are played by many players as an additional option to the other selectable games.

**Regarding claim 54,** Schneider discloses plurality of games can be accessed from the various machines (para 0013).

**Regarding claims 55-57,** Schneider discloses win/loss recording factor as a part of the game history capturing can play a role in customizing or tailoring the game for the preferred users (para 0045), which can be considered as ranking of the player and presenting the game options accordingly, further Schneider discloses certain demographics such as players age as a determination factor (para 0046).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-1315. The examiner can normally be reached on Mon-Fri 10:00am-7:00pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on 571 272 4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Masud Ahmed/  
Examiner, Art Unit 3717